

ESTTA Tracking number: **ESTTA595969**

Filing date: **04/01/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	SoCal Maico		
Entity	sole prop	Citizenship	United States
Address	2790 Sherwin Ave Ste 13 Ventura, CA 93003 UNITED STATES		

Correspondence information	j gary kortz owner SoCal Maico 2790 Sherwin Ave Ste 13 Ventura, CA 93003 UNITED STATES gary@socalmaico.com Phone:8054690477
----------------------------	---

### Registration Subject to Cancellation

Registration No	4156487	Registration date	06/12/2012
Registrant	578539 B.C. Ltd. 4124 Torquay Dr. Victoria, B. C., CAX V8N3K9 CAX		

### Goods/Services Subject to Cancellation

Class 012. First Use: 2002/12/01 First Use In Commerce: 2002/12/01 All goods and services in the class are cancelled, namely: Motorcycles for motocross
--

### Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Genericness	Trademark Act section 23

Attachments	USPTO Statement005.pdf(77035 bytes )
-------------	--------------------------------------

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/j. Gary Kortz/
Name	j gary kortz
Date	04/01/2014

**For purposes of this correspondence, “Maico” refers to the motorcycles made from 1926 to 1986 by Maicowerk A.G. of West Germany. During the 70’s and early 80’s, their off-road models were very popular, but the company ultimately failed due to poor management and increasing market pressure from Japanese manufacturers.**

**“Canadian Maico” has registered the “Maico” mark and has stolen the goodwill and reputation established by the original Maico, a German motorcycle manufacturer. The original Maico brand, which was established by a German company, “Maico”, no longer exists, but its parts are quite valuable and readily available through many resellers. The Maico brand is well known and known for parts being made by the original German Maico.**

**“Canadian Maico” is deceiving the public and falsely suggesting a connection to the original Maico, which was well known for producing motorcycle parts.**

**This trademark isn’t being used to protect the Maico brand as intended by a trademark.**

**Mr. Caldwell is using his recent registration of the Maico logo to attempt to extort licensing and royalty fees from me and I’m aware of several other competitors complaining of the same tactics being used against them.**

**Mr. Caldwell has deceived the public and the USPTO as to his real intent of this registration of trademark. That intent is to use this trademark to stifle competition in the market place.**

**My company has been using this logo in trade since 2009. Mr. Caldwell acquired the trademark in 2012. Before 2012, this logo has been freely and widely used without any defense from the previous owner. It has been considered in the public domain for well over 10 years before it was considered abandoned and then registered by Mr. Caldwell.**

**J. Gary Kortz**

**Please accept as an electronic signature.**